

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA :
:
Plaintiff, : CIVIL ACTION
v. : No. 1:10-CV-135-AT
\$144,268.28 SEIZED FROM :
WACHOVIA BANK ACCOUNT NUMBER :
X-0310; et. al., :
:
Defendants. :

**PLAINTIFF'S MOTION REQUESTING REFERRAL TO A MAGISTRATE JUDGE FOR
A SETTLEMENT CONFERENCE AND FOR DEADLINE EXTENSIONS FOR MOTIONS
TO COMPEL DISCOVERY AND MOTIONS FOR SUMMARY JUDGMENT**

COMES NOW the United States of America, Plaintiff in the above-styled case, and moves the Court to refer the instant case to a magistrate judge in the Northern District of Georgia for the limited purpose of conducting a settlement conference. In support of this Motion, Plaintiff shows the Court as follows:

1. This is a civil forfeiture action which was filed pursuant to 31 U.S.C. § 5317 for a violation of 31 U.S.C. § 5324(a).
2. August 1, 2011, is the close of discovery in this matter. [Doc. 62].
3. Pursuant to Local Rule 16.3, NDGa., the parties must meet by August 15, 2011, to engage in a settlement conference.

4. As stated in the Preliminary Report and Discovery Schedule, the parties met on or about June 29, 2010, to discuss this case. [Doc. 32, ¶ 13]. At that time, the parties acknowledged the possibility of settlement before and after discovery. [Doc. 32, ¶ 13].
5. Consequently, Plaintiff respectfully requests the Court refer this case to a federal magistrate judge for the limited purpose of conducting a settlement conference.
6. Given the nature of this case and in anticipation of potential future rulings that may need to be made by the district court, Plaintiff believes referral to a magistrate judge for the limited purpose of conducting a settlement conference is appropriate.
7. Additionally, Plaintiff requests an extension for the limited purpose of filing motions to compel discovery. Pursuant to Local Rule 37.1(B), NDGa., the time for filing a motion to compel expires on August 1, 2011. [Doc. 62]. On June 3, 2011, Plaintiff provided notice to Mad Dog that it intended to take its deposition on June 16, 2011, and provided a list of topics for examination. [Doc. 63]. When the corporate representative for Mad Dog appeared at the deposition, however, the corporate

representative stated that they had not undertaken any specific actions in preparation for the corporation's deposition. Accordingly, in the government's view, there were several matters for examination that were relevant and critical to the issue at hand about which the corporate representative was unable to adequately testify.

8. Rather than file a motion to compel discovery and undertake another deposition, the government believes both parties would be better served by participating in the requested settlement conference. However, if the settlement conference is unable to produce a resolution between the parties, Plaintiff would request that it be able to proceed with the motion to compel. Plaintiff accordingly requests an extension for the limited purpose of filing motions to compel discovery until 30 days after the date of the settlement conference with a magistrate judge.
9. Lastly, Plaintiff also requests an extension for the limited purpose of filing motions for summary judgment until 60 days after the date of the settlement conference with a magistrate judge. Permitting motions for summary

judgment to be filed 60 days after the settlement conference would permit consideration of the motion to compel, allow the parties to avoid incurring further costs prior to the conference, and avoid unduly burdening the Court's docket.

WHEREFORE, Plaintiff prays that its motion be inquired into and granted.

This 29th day of July, 2011.

Respectfully submitted,

Sally Quillian Yates
UNITED STATES ATTORNEY

/s/ Mary Kruger
MARY KRUGER
ASSISTANT U.S. ATTORNEY
GEORGIA BAR NO. 244607
600 UNITED STATES COURTHOUSE
75 SPRING STREET, S.W.
ATLANTA, GEORGIA 30303

CERTIFICATE OF SERVICE

I hereby certify that I have prepared the foregoing
PLAINTIFF'S MOTION REQUESTING REFERRAL TO A MAGISTRATE JUDGE FOR
A SETTLEMENT CONFERENCE AND FOR DEADLINE EXTENSIONS FOR MOTIONS
FOR SUMMARY JUDGMENT AND FOR MOTIONS TO COMPEL DISCOVERY in
compliance with Local Rule 5.1, NDGa., using Courier New 12
point type and have this day electronically filed the document
with the Clerk of Court using the CM/ECF system which will
automatically send e-mail notification of such filing to the
attorneys of record.

This 29th day of July, 2011.

/s/ Mary Kruger

MARY KRUGER
ASSISTANT U. S. ATTORNEY